APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,927	08/13/2004	Tsu-Ti Huang	WISP0027USA	4926

27765   7590   11/28/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2131	

NOTIFICATION DATE	DELIVERY MODE
11/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/710,927	HUANG ET AL.
	Examiner	Art Unit
	Jeremiah Avery	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 September 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3 and 19-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3 and 19-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 September 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 4-18 have been cancelled.

2. Claims 1-3 and 19-23 have been examined.

3. Responses to Applicant's remarks have been given.

Drawings

1. The drawings were received on 09/14/07. These drawings are accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated

by United States Patent No. 5,610,981 to Mooney et al., hereinafter Mooney.

2. Regarding claim 1, Mooney teaches a method for controlling a computing device

with an security device wherein a first identification information is stored in said

computing device and a second identification information is stored in said security

device, said first identification information comprising primary first identification

information and secondary first identification information, said computing device further

comprising a BIOS program and an operation system program, said method comprising

the steps of:

executing said BIOS program of said computer system (column 4, lines 46-62, "system

boot ROM 126 logically connected to the CPU 123 to start executing a non-volatile

program contained in PLD 129 upon initialization of the computer during power-up, clear

or warm-boot reset", column 8, lines 11-19, column 10, lines 52-58, column 12, lines 44-

64, column 14, lines 54-67, "the CPU 290 will then boot from hard drive 113 in order to

execute the disk operating system for secure computer 100" and column 15, lines 1-15,

"to ensure that the native system BIOS is properly rebooting the computer from hard

drive 113");

fetching said first identification information and said second identification information

(column 2, lines 53-63, column 6, lines 30-49, "present proper identification information",

column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64,

column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20);

comparing said primary first identification information with said second identification

information (column 2, lines 53-63, "user's responses are compared to the correct

answers stored on the card and, if the responses match the correct answers, the CPU is

allowed to access all peripherals the user has been authorized to use", column 6, lines

30-49, "present proper identification information", column 10, lines 29-38, column 11,

lines 48-57, column 12, lines 1-14, 19-39 and 44-64);

querying whether to update said first identification information in response to said

second identification information matching said primary first identification information

(column 9, lines 19-25, "the card must be updated to be authorized for another

session");

comparing said secondary first identification information with said second identification

information (column 2, lines 53-63, "user's responses are compared to the correct

answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64);

skipping querying whether to update said first identification information, and executing said operation system program directly in response to said second identification information matching said secondary first identification information (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64).

3.   Regarding claim 2, Mooney teaches in which said second identification information does not match said first identification information, further comprising the step of turning off said computing device (column 4, lines 46-62 and column 9, lines 18-32, "freeze the computer system bus, requiring a 'cold boot', (power off and then on or 'reset')").

4.   Regarding claim 3, Mooney teaches in which said second identification information does not match said first identification information, further comprising the steps of:

querying whether to turn off said computing device or to fetch said second identification information again (column 4, lines 46-62 and column 9, lines 18-32, "freeze the

computer system bus, requiring a 'cold boot', (power off and then on or 'reset') and lines 58-67);

fetching said second identification information from said security device (column 2, lines 53-63, column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20);

comparing said second identification information with said first identification information (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64).

5.   Regarding claim 19, Mooney discloses a computing system comprising:

an administrator security device having a primary second identification information stored therein (column 2, lines 64-67, "security administrator card", column 10, lines 29-51, column 11, lines 39-67, "security administrator" and column 16, lines 5-20);

a computing device having a plurality of first identification information, a BIOS program and an operation system program stored therein, wherein said plurality of first identification information comprises a primary first identification information and a secondary first identification information (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been

authorized to use", column 6, lines 30-49, "present proper identification information",

column 9, lines 19-25, "the card must be updated to be authorized for another session",

column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-

64),

said computing device executing said BIOS program, fetching said primary second

identification information from said administrator security device, comparing said

primary second identification information with said plurality of first identification

information, and determining that said primary second identification information matches

said primary first identification information, and querying whether to update said first

identification information or not (column 2, lines 53-63, "user's responses are compared

to the correct answers stored on the card and, if the responses match the correct

answers, the CPU is allowed to access all peripherals the user has been authorized to

use", column 4, lines 46-62, "system boot ROM 126 logically connected to the CPU 123

to start executing a non-volatile program contained in PLD 129 upon initialization of the

computer during power-up, clear or warm-boot reset", column 6, lines 30-49, "present

proper identification information", column 8, lines 11-19, column 9, lines 19-25, "the card

must be updated to be authorized for another session", column 10, lines 29-38 and 52-

58, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines

17-32 and 54-67, "the CPU 290 will then boot from hard drive 113 in order to execute

the disk operating system for secure computer 100", column 15, lines 1-15, "to ensure

that the native system BIOS is properly rebooting the computer from hard drive 113"

and lines 51-67 and column 16, lines 1-20);

a user security device having a secondary second identification information stored

therein, wherein if said computing device is instructed to update said first identification

information, said computing device fetches said secondary second identification

information from said user security device and updates said first identification

information to match said secondary second identification information (column 2, lines

53-63, "user's responses are compared to the correct answers stored on the card and, if

the responses match the correct answers, the CPU is allowed to access all peripherals

the user has been authorized to use", column 6, lines 30-49, "present proper

identification information", column 9, lines 19-25, "the card must be updated to be

authorized for another session", column 10, lines 29-38, column 11, lines 48-57, column

12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and

column 16, lines 1-20).

6.   Regarding claim 20, Mooney discloses wherein said computing device updates

said primary first identification information to match said secondary second identification

information (column 9, lines 19-25, "the card must be updated to be authorized for

another session").

7.   Regarding claim 21, Mooney discloses wherein said computing device updates

said secondary first identification information to match said secondary second

identification information (column 2, lines 53-63, "user's responses are compared to the

correct answers stored on the card and, if the responses match the correct answers, the

CPU is allowed to access all peripherals the user has been authorized to use", column

6, lines 30-49, "present proper identification information", column 9, lines 19-25, "the

card must be updated to be authorized for another session", column 10, lines 29-38,

column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32,

column 15, lines 51-67 and column 16, lines 1-20).

8.   Regarding claim 22, Mooney discloses wherein updating said first identification

information is executed by said BIOS program (column 4, lines 46-62, "system boot

ROM 126 logically connected to the CPU 123 to start executing a non-volatile program

contained in PLD 129 upon initialization of the computer during power-up, clear or

warm-boot reset", column 8, lines 11-19, column 10, lines 52-58, column 12, lines 44-

64, column 14, lines 54-67, "the CPU 290 will then boot from hard drive 113 in order to

execute the disk operating system for secure computer 100" and column 15, lines 1-15,

"to ensure that the native system BIOS is properly rebooting the computer from hard

drive 113").

9.   Regarding claim 23, Mooney discloses wherein updating said first identification

information is executed by said operation system program (column 2, lines 53-63,

"user's responses are compared to the correct answers stored on the card and, if the

responses match the correct answers, the CPU is allowed to access all peripherals the

user has been authorized to use", column 6, lines 30-49, "present proper identification

information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-

39 and 44-64).

Response to Arguments

10.   Applicant's arguments, see page 7, filed 09/14/07, with respect to the objection to

Figure 1 have been fully considered and are persuasive. The objection of Figure 1 has

been withdrawn.

11.   Applicant's arguments, see page 8, filed 09/14/07, with respect to the objection to

the Specification have been fully considered and are persuasive. The objection of the

Specification has been withdrawn.

12.   Applicant's arguments, see page 8, filed 09/14/07, with respect to the objection to

Claim 1 have been fully considered and are persuasive. The objection of claim 1 has

been withdrawn.

13.   Applicant's arguments filed 09/14/07 have been fully considered but they are not

persuasive. With regards to the Applicant's arguments pertaining to that "Mooney does

not teach the use of a first access card granting administrator-level security clearance

and a second access card granting security clearance to other authorized users", said

claim language is not found within the amended claims filed on 09/14/07. Rather, a

"device" is claimed and it is broadly interpreted by the Examiner that said "device" is not

limited to a "card" as argued by the Applicant. Though, Mooney does disclose a card

being utilized within, in particular but not limited to column 2, lines 53-63, "user's

responses are compared to the correct answers stored on the card and, if the

responses match the correct answers, the CPU is allowed to access all peripherals the

user has been authorized to use", column 6, lines 30-49, "present proper identification

information", column 9, lines 19-25, "the card must be updated to be authorized for

another session".

14.   Further, with regards to the Applicant's arguments pertaining to that "Mooney does not teach a way to distinguish between administrator users and regular users based on the identification information residing in their access card", the Examiner asserts that such language is not found within the claims filed on 09/14/07. Though the claims use the language "primary first identification information and a secondary first identification information" as well as "primary second identification information" and "secondary second identification information", it is not distinctly defined that said information pertains to differentiating "administrator users and regular users based on the identification information residing in their access card" as argued by the Applicant.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16.   The following United States Patents are cited to further show the state of the art with respect to the security and control of devices, such as:

United States Patent No. 5,892,900 to Ginter et al., which is cited to show systems and methods for secure transaction management and electronic rights protection.

United States Patent No. 6,314,525 to Mahalingham et al., which is cited to show means for allowing two or more network interface controller cards to appear as one card to an operating system.

United States Patent No. 6,463,537 to Tello, which is cited to show a modified computer motherboard and security identification system.

United States Patent No. 6,609,199 to DeTreville, which is cited to show a method and apparatus for authenticating an open system application to a portable IC device.

United States Patent No. 5,448,045 to Clark, which is cited to show a system for protecting computers via intelligent tokens or smart cards.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah Avery whose telephone number is (571) 272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLA

CHRISTOPHER REVAK
PRIMARY EXAMINER